

Applicant : Craig Adams et al.
Appl. No. : 10/727,899
Examiner : Ahmed Farah
Docket No. : 701470.4075

REMARKS

New claims 26 and 27 have been added. Claims 1-27 are pending in the application. Applicants respectfully request reconsideration.

No new matter has been added.

Rejections Under Section 103

Claims 1-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Applicants' Admitted Prior Art (AAPA) in view of Berthiaume (U.S. Pat. No. 5,846,259). Applicants respectfully traverse.

Claim 1 is patentable because neither the AAPA nor Berthiaume, taken alone or in combination, discloses, teaches, or suggest the telescoping catheter of claim 1. When the telescoping catheter of claim 1 is fully extended, the third sheath closely surrounds the cable from the distal end of the telescoping section to a point within the first sheath. The first sheath is coupled to the proximal end of the telescoping catheter. Thus, when the telescoping catheter of claim 1 is fully extended, the third sheath and the first sheath combined extend the length from the distal end of the telescoping section to the proximal end of the telescoping catheter. In contrast, when the telescoping catheter of Berthiaume is fully extended, there is no combination of two telescoping tubes 160, 170, 190 that extends the length from the distal end of the telescoping portion 150 to the proximal end of the catheter. When fully extended, all three telescoping tubes 160, 170, 190 must be combined to extend the length from the distal end of the telescoping portion 150 to the proximal end of the catheter (see Fig. 8). Berthiaume requires this because Berthiaume uses all three telescoping tubes 160, 170, 190 to extend the length of the telescoping catheter to the fully extended state. Berthiaume does not suggest a telescoping catheter that uses two of the sheaths for telescoping the catheter and the third sheath for supporting the cable within the telescoping section.

For at least the reasons given above, Applicants submit that claim 1 is patentable over the cited references.

Claims 2-11 depend from claim 1, and are therefore also patentable for at least the reasons given for claim 1.

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Claim 7 is additionally patentable because neither the AAPA nor Berthiaume, taken alone or in combination, discloses, teaches, or suggest "wherein the first sheath is adapted to slide in a female relationship with the third sheath, and a male relationship with the second sheath." Claim 1 requires that the first sheath be coupled to the proximal end of the telescoping catheter. Telescoping tube 190 of Berthiaume, which is coupled to the proximal end of the telescoping catheter, is not adapted to slide in a female relationship with one of the other two telescoping tubes 160,170, and in a male relationship with the remaining telescoping tube 160,170. The telescoping tube 190 is adapted to slide in a female relationship with both telescoping tubes 160, 170 in contravention of claim 7. This is because both telescoping tubes 160,170 are slidably received within the telescoping tube 190 (see col. 8, lines 15-19). Therefore, Applicants submit that claim 7 is additionally patentable for the reasons above.

Claim 12 is patentable because neither the AAPA nor Berthiaume, taken alone or in combination, discloses, teaches, or suggest "wherein the inner sheath closely surround the portion of the cable that lies between the distal end of the telescoping section and a proximal end of the outer sheath when the catheter is fully extended." (emphasis added). In contrast, when the catheter of Berthiaume is fully extended, telescoping tube 160 does not surround the portion of the cable that lies between the distal end of the telescoping portion 150 and a proximal end of either telescoping tube 170 or 190 in contravention of claim 12.

For at least the reasons given above, Applicants submit that claim 12 is patentable over the cited references.

Claims 13-25 depend from claim 12, and are therefore also patentable for at least the reasons given for claim 12.

Claim 14 is additionally patentable because neither the AAPA nor Berthiaume, taken alone or in combination, discloses, teaches, or suggest "wherein the inner sheath and the outer sheath are fixed in relationship to each other, and the telescoping sheath is adapted to slide in a telescoping manner between the outer and inner sheath." (emphasis). In contrast, the telescoping tubes 160 and 190 are slidable with respect to each other, and are, therefore, not fixed in relationship to each other. Berthiaume requires that the telescoping tubes 160 and 190 be slidable with respect to each other in order to configure the telescoping catheter from the fully

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retracted state to the fully extended state, and vice versa. Therefore, Applicants submit that claim 7 is additionally patentable for the reasons above.

New Claims

New claim 26 is patentable because neither the AAPA nor Berthiaume, taken alone or in combination, discloses, teaches, or suggest "wherein the outer sheath and the inner sheath are fixed in relationship to each other." (emphasis added). In contrast, the telescoping tubes 190 and 160 of Bethiaume are slidable with respect to each other in order to configure the telescoping catheter from the fully extended state to the fully retracted state, and vice versa.

Therefore, Applicants submit that new claim 26 is patentable for at least the reasons given above.

New claim 27 depends from claim 26 and is therefore also patentable for at least the reasons given for claim 26.

Conclusion

The applicant respectfully submits that claims 1-27 are in condition for allowance. Should the examiner have any questions or comments, please call the undersigned at (949) 567-6700, or directly at (949) 852-7750. The Commissioner is authorized to charge Counsel's Deposit Account No. 15-0665 for the necessary fees, and is authorized to charge any additional fees that may be required and to credit any overpayments to said Deposit Account 15-0665.

Respectfully submitted,

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